

2642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Matthew K. Barrow
 Serial No.: 09/747,907
 Filed: 12/22/2000
 For: Integrated Services Hub Self
 Configuration

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GROUP ART UNIT: 2642

EXAMINER: Not Yet Known

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Technology Center 2600

Commissioner for Patents
 Washington, D.C. 20231

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July 9, 2001

(Date of Deposit)

Teresa Ryan

**COMMENTS IN RESPONSE TO
DECISION DISMISSING PETITION**

Att'y. Dkt. No.: 4000-03100
 Date: July 9, 2001

Sir:

This paper is filed in response to the Decision Dismissing Petition issued by the Office of Petitions on May 21, 2001 refusing to withdraw the notice of February 9, 2001 that Figure 2 was missing from the application as filed. As a result of this dismissal, the application maintains its original filing date, but will not include Figure 2 as part of the original disclosure.

Figure 2 is a flow chart of a method or process which is fully disclosed in the written specification. As a result, Figure 2 was not necessary under 35 U.S.C. 113 (first sentence) for a filing date. As stated in MPEP 601.01(f), it has been PTO practice to treat an application that

contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention. That practice should apply to that portion of an application which describes a process or method and the drawings used in conjunction with that disclosure.

The Applicant submits that this application should be treated under the provisions of the second sentence of 35 U.S.C. 113. That is, this is a case where "the subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing". In such cases the "Director may require... submission" of the drawing. Such submission would, of course, be subject to the limitations of the third sentence of 35 U.S.C. 113.

The Applicant requests that the Examiner require submission of Figure 2 under the terms of 35 U.S.C. 113, second and third sentences.

Respectfully submitted,



Albert C. Metrailler
Reg. No. 27,145
Conley, Rose & Tayon, P.C.
5800 Granite Parkway, Suite 400
Plano, Texas 75204
(972) 731-2288

ATTORNEY FOR APPLICANT